

56 FR 58247-01, 1991 WL 238027(F.R.)
NOTICES
ENVIRONMENTAL PROTECTION AGENCY
[FRL-4031-5]

Withdrawal of Proposed Determination To Withdraw or Restrict the Specification
of an Area for Use as a Disposal Site; Kuparuk River Unit, North Slope Borough, AK

Monday, November 18, 1991

***58247** AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of withdrawal of proposed section 404(c) determination.

SUMMARY: Section 404(c) of the Clean Water Act (CWA) (33 U.S.C. 1251 et seq.) authorizes the administrator of the EPA to prohibit, deny, withdraw or restrict the specification or use of any defined area as a disposal site whenever he determines, after notice and opportunity for public hearing, that the discharge of dredged or fill materials into such an area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreation areas. EPA's procedures for implementing section 404(c) are set forth in 40 CFR part 231.

On May 14, 1991, the Environmental Protection Agency, Region 10 (Region 10) gave notice of its Proposed Determination to Withdraw or Restrict the Specification of an Area for Use as a Disposal Site; Kuparuk River Unit, North Slope Borough, AK (Proposed Determination). The Proposed Determination concerned a proposal by ARCO Alaska, Inc. (ARCO) to place approximately 112,000 cubic yards of gravel fill material on 21.5 acres of tundra wetlands to construct a production well pad (Drill Site 3-L) and an east-west access road from nearby Drill Site 3-K in the Kuparuk River Unit.

Region 10's public notice provided a thirty-day period for comments on the Proposed Determination. Region 10 received and analyzed numerous comments, some advising withdrawal of the Proposed Determination and others recommending preparation of a Recommended Determination. As a result of several meetings and discussions between Region 10 and ARCO, an alternative pad location and road alignment within the general project area was identified that was different from the two alternatives discussed in the Proposed Determination. ARCO applied for and on October 15, 1991, received a modification of their Corps permit to authorize the new configuration. For the reasons discussed in further detail below, Region 10, in accordance with 40 CFR 231.5(c), hereby withdraws its section 404(c) Proposed Determination on this project.

Basis for Withdrawal of Proposed Determination

Region 10 based initiation of 404(c) proceedings on its belief that the project could have unacceptable adverse impacts on wildlife and wildlife habitat. The revised project, however, represents a significant reduction in scope and is environmentally acceptable to EPA for the following reasons:

(1) The revised configuration would fill less wetland acreage (17.9 acres) than the originally permitted configuration (21.5 acres), because the access road would be shorter and the pad smaller;

- (2) The revised pad location is on higher, drier, less diverse tundra that is consequently less valuable as waterfowl and shorebird habitat than the originally permitted location;
- (3) The revised road route also traverses drier, less valuable tundra ridges than the originally permitted east-west road;
- (4) The revised road route is from 800 to 3,300 feet further upslope in the drainage basin than the originally permitted road, and would therefore intercept less of the drainage flowing into the Arctophila lake to the north, posing less of a potential hazard to it;
- (5) The revised road route is almost one-half mile further away from the tundra swan nesting site on the Arctophila lake to the north;
- (6) The originally permitted access route extended approximately one-half mile further to the east from Drill Site 3-K than the new road would; the revised road would pose less of an impediment to brant and caribou movement because it would not extend as far to the east; and,
- (7) The originally permitted pad location was less than 1,000 feet from a tundra swan nesting area on the Arctophila lake to the east of the pad; the revised location would be almost one mile from that site and would still be one mile from the nesting site on the lake to the north.

FOR FURTHER INFORMATION CONTACT: Robert S. Burd, Director, Water Division, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.
Dana A. Rasmussen,

Regional Administrator.

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